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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/791,032 | 03/02/2004 | Richard J. Kurczynski | 60,510-008 | 1251 |

27305 7590 01/25/2005

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

EXAMINER

REESE, DAVID C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3677

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,032

Applicant(s)

KURCZYNSKI, RICHARD J.

Examiner

David C. Reese

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) 9, 10, 13, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Election/Restrictions

[1] Claims 17-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method of forming a fastener and a washer assembly, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/30/04, this however, is not found persuasive because the traversal does not include reasons why the restriction was improper. Therefore, the election is treated as an election without traverse.

The requirement is still deemed proper and is therefore made FINAL.

Consequently, claims 1-16 are pending.

Claim Rejections - 35 USC § 102

[2] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[3] Claims 1-8, 11-12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutson et al., US-2,815,789.

Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith, structurally emulating that of a fastener and washer assembly, as well as functionally by providing a retaining mechanism for the flange of the nut, supporting it from being separated from the retainer.

Now as for Claim 1, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith comprising:

a washer (20 in Fig. 1) including a flat bearing portion (20 in Fig. 1), a central opening (22 in Fig. 1) through said bearing portion (20 in Fig. 1), and end portions inclined (24 in Fig. 1) from a plane of said bearing portion (20 in Fig. 1) including elongated openings on opposed sides (28 in Fig. 1) of said central opening (22 in Fig. 1), and a fastener having a body portion (14 in Fig. 1) and a radial flange portion (18 in Fig. 1) received in said elongated openings (18 in 28 in Fig. 3) retaining in said washer (10 in Fig. 3) on said fastener (12 in Fig. 3), whereby said fastener is free to rotate relative to said washer (18 in 28 in Fig. 2).

As for Claim 2, Re: Claim 1, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said end portions are inclined (24 in Fig. 1) relative

to said bearing portion (20 in Fig. 1) at an angle of less than 90 degrees (30 in Fig. 3 shows the incline, which when a line is draw in line with the angle shows that the angle is less than 90 degrees).

As for Claim 3, Re: Claim 1, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said washer (20 in Fig. 1) includes side faces (10 in Fig. 1) and end faces (32 in Fig. 1) and said elongated openings (28 in Fig. 1) are generally parallel to said end faces (openings, 28 are parallel to the faces, 32 in Fig. 1).

As for Claim 4, Re: Claim 1, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said elongated openings (28 in Fig. 1) each include a generally semi-circular inner side wall adjacent said central opening (the bottom inner wall of the elongated openings, 28, follow the semi-circular path of the incline as viewed in Fig.1, respectively adjacent to the central opening 22 in Fig. 1).

As for Claim 5, Re: Claim 3, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said central opening is circular (22 in Fig. 1) and said inner side wall of said elongated openings are generally semi-circular (the bottom inner wall of the elongated openings, 28, follow the semi-circular path of the incline as viewed in Fig.1).

As for Claim 6, Re: Claim 1, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said end portions are bent relative (24 in Fig. 1) to said bearing portion (20 in Fig. 1) along an axis generally aligned with an outer wall of said elongated openings (the bent end portions, 24, are aligned with the outer wall, 30, of elongated openings).

As for Claim 7, Re: Claim 1, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said elongated openings (28 in Fig. 1) are arcuate including arcuate inner and outer side walls (the openings as represented by 28 in Fig. 1 on both sides of the nut retainer have both arcuate (shaped like a bow) inner and outer side walls).

As for Claim 8, Re: Claim 1, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said fastener (12 in Fig. 1) is a female fastener having an axial bore (14 in Fig. 1) generally coaxially aligned with said central opening of said washer (axial bore, 14, coaxially aligned with the central opening of the nut retainer 22, in Fig. 3).

Now as for Claim 11, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith comprising:

a washer (20 in Fig. 1) including a planar central bearing portion (20 in Fig. 1) having a central opening (22 in Fig. 1) therethrough, generally parallel slots on opposed sides (28 in Fig. 1) of said central opening (22 in Fig. 1) equally spaced from said central opening (22 to 28 is equal on both sides as shown in Fig. 1), and opposed end portions (24 in Fig. 1) inclined relative to said planar central bearing portion bent relative to said planar central bearing portion along an axis extending through said slots (the bent end portions, 24, are aligned with the outer wall, 30, of elongated openings); and

a fastener having a body portion (16 in Fig. 1) received on said planar central bearing portion of said washer (fastener 16 onto washer 10 in Fig. 3) and a radial flange portion received through said slots (flange 18, through slots 28 as shown in Fig. 3),

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rotatably supporting said washer on said fastener (as shown in Fig. 2, the washer, 10, allows support to the fastener, 12, also allowing rotation of the flange 18 between the slots, 28, of the washer).

As for Claim 12, Re: Claim 11, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said end portions are inclined (24 in Fig. 1) relative to said planar central bearing portion (20 in Fig. 1) at an angle of between 40 and 80 degrees (30 in Fig. 3 shows the incline, which when a line is draw in line with the angle shows that the angle is between 40 and 80 degrees).

As for Claim 14, Re: Claim 11, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said slots (28 in Fig. 1) each include a generally semi-circular inner side wall adjacent said central opening (the bottom inner wall of the elongated openings, 28, follow the semi-circular path of the incline as viewed in Fig. 1, respectively adjacent to the central opening 22 in Fig. 1) defining a generally semi-circular outer surface of said planar central body portion (22 in Fig. 1).

As for Claim 15, Re: Claim 11, Hutson et al. teaches of a nut retainer permitting assembly of a nut therewith wherein said fastener (12 in Fig. 1) is a female fastener having an bore (14 in Fig. 1) therethrough generally coaxially aligned with said central opening of said washer (axial bore, 14, coaxially aligned with the central opening of the nut retainer 22, in Fig. 3).

Allowable Subject Matter

[4] Claims 9, 10, 13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As for these above claims, the prior art does not teach of this embodiment of assembly, incorporating the other limitations of the claims, and wherein the flange possesses a frustoconical outer surface, and a male fastener shank portion being received through a washer opening.

Conclusion

[5] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of assembly; as well as their extreme relevance to the current application: Toosky, US 2003/0091408; Gulistan, 3,695,324; Husain, 4,186,787; Kinsinger et al., 5,545,230; Kitamura et al., 6,763,552; Genick, US 2004/0234358; Yaros, US 2004/0040243; Braun et al., 6,367,813; Osterle et al., 5,951,225; Plank, 5,577,860; Gagnon, 4,740,111; Dewey, Des., 263,927; Trungold, 4,303,001.

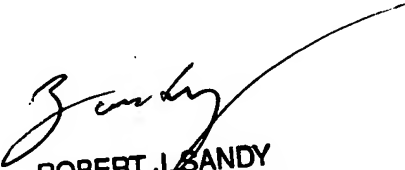
[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-

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4805. The examiner can normally be reached on 7:30 am - 5:00 pm M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT J. SANDY
PRIMARY EXAMINER

Sincerely,
David Reese
Examiner
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